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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,467	01/23/2004	Makiko Mori	02910.000113.	5471
5514 7590 11/10/2009 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
STTA, GRANT				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
11/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,467

Applicant(s)

MORI, MAKIKO

Examiner

GRANT D. SITTA

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al (5,675,391) in view of Kim et al (6,795,091) hereinafter, Kim.

4. In regards to claim 1, Yamaguchi teaches a video display apparatus comprising abstract:

a display brightness featured value detecting circuit for detecting a display brightness featured value indicating a brightness of a display screen (fig. 1 (Vr52));

an adjustment circuit for adjusting the converted video signal on the basis of said display brightness featured value to output an adjusted video signal (fig. 1 (75)); and

a superimposing circuit for superimposing a signal for displaying textual information or an icon on the video signal to output a superimposed video signal (fig. 1 (73)) Examiner notes picture in picture is capable of displaying textual information and an icon),

wherein said display brightness featured value detecting circuit receives the superimposed video signal output from said superimposing circuit, and calculates a statistical value (col. 2, lines 53-60 Examiner notes for instance 5 V is a statistical value), as the display brightness featured value: from the received superimposed video signal (fig. 1 75 received from 73) and

wherein an image is displayed on the basis of the superimposed video signal output from said superimposing circuit (fig. 1 (73)).

Yamaguchi fails to expressly teach a converting circuit for executing nonlinear conversion for an input video signal to output a converted video signal.

However, Kim teaches a converting circuit for executing nonlinear conversion for an input video signal to output a converted video signal (fig. 1 (23) and fig. 9 gamma correction col. 14, lines 46-67)).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Yamaguchi to include the use of gamma conversion means as taught by Kim in order to provide a display image that is astatically pleasing to the human eye as stated in (col. 14, lines 45-67 of Kim).

5. In regards to claim 2, Yamaguchi teaches a video display apparatus as defined in claim 1, wherein said adjustment circuit is an adjustment circuit for adjusting the converted video signal on the basis of a plurality of display brightness featured values which are sequentially detected (col. 2, lines 27-67).

6. In regards to claim 3, Yamaguchi teaches a video display apparatus as defined in claim 1 or 2, wherein said adjustment circuit is also an adjustment circuit for adjusting the converted video signal on the basis of a brightness control value relating to an adjustment of image quality (col. 2, lines 27-67).

7. In regards to claim 4, Yamaguchi teaches a video display apparatus as defined in claim 1, wherein said display brightness featured value is a sum or average value of display signals for a predetermined period (fig. 1 72 and 82 are summed in 73).

8. In regards to claim 5, Yamaguchi teaches a video display apparatus as defined in claim 1, wherein said display brightness featured value is the number of signals of the display signals for a predetermined period which have a greater value than a predetermined value (col. 2, lines 40-67).

9. In regards to claims 6, Yamaguchi teaches a video display apparatus as defined in claim 1, wherein said display brightness featured value is a sum or average value of display signals for each color for a predetermined period (fig. 1 72 and 82 are summed

in 73) .

10. In regards to claim 7, Yamaguchi teaches a video display apparatus as defined in claim 1, wherein said display brightness featured value is a sum or average value of brightness components of display signals for a predetermined period (fig. 1 72 and 82 are summed in 73).

11. In regards to claim 8, Yamaguchi teaches a video display apparatus as defined in claim 1, wherein said display brightness featured value is a statistical value of display signals in a specific area of one display screen (col. 2, lines 40-50).

12. In regards to claim 9, Yamaguchi teaches a video display apparatus as defined in claim 1, wherein pixels of said video display apparatus are constructed of display elements arranged in matrix (col. 12, lines 22-25).

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi and Kim, in view of Tanada et. al (US 6,774,578) hereinafter, Tanada.

14. In regards to claim 10, Yamaguchi and Kim fail to teach a video display apparatus as defined in claim 9, wherein said display elements are electro-emission elements, and said display brightness featured value detecting circuit generates said

display brightness featured value on the basis of a value of emission current emitted from said electro-emission element

However, Tanada teaches a system and method for wherein said display elements are electro-emission elements, and said display brightness featured value detecting circuit generates said display brightness featured value on the basis of a value of emission current emitted from said electro-emission element. (col. 5, lines 23-55 of Tanada).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Yamaguchi and Kim to include the use of wherein said display elements are electro-emission elements, and said display brightness featured value detecting circuit generates said display brightness featured value on the basis of a value of emission current emitted from said electro-emission element as taught by Tanada in order to provide wider viewing angle and longer life over CRTs.

Response to Arguments

15. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

16. Examiner notes the current claim language is broad. The prior art of record discusses means to not consider On Screen Display (OSD) brightness. Also, the fact that the prior art of record discloses various means to avoid brightness of OSD, means it is well known to adjust a superimposed signal that includes an OSD. This is evidenced by the background discussed in Yamaguchi.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koyama et al (2002/0180677)

Kang et al (6,795,065)

Kasahara et al (6,690,388)

Suzuki et al (6,907,726)

Ide et al (2002/0175908)

Someya et al (2002/0030690)

Kawashima et al (2003/0146919)

Sumiyoshi et al (5,596,374)

Fumamoto et al (6,795,053)

Wakabayashi et al (5,734,423)

Cho et al (6,307,596)

Shafer et al (5,386,247)

Saiki et al (6,388,713)

Hashimoto et al (5,990,940)

Jeong et al (6,348,952)

Matsushita et al (6,307,575)

Pasqualini et al (7,164,409)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT D. SITTA whose telephone number is (571)270-1542. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sumati Lefkowitz/
Supervisor Patent Examiner, Art Unit 2629

/Grant D Sitta/
Examiner, Art Unit 2629
November 3, 2009